



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9309 of 2026

Pankaj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhijeet Singh, Mohd. Monis
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65
(Sl. No. 104 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Abhijeet Singh, learned counsel for applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in S.T. No. 312 of 2024, arising out of Case Crime No. 13 of 2024, under Sections 498A, 304-B, 323, 506 IPC and 3/4 D.P. Act, Police Station Jamania, District Ghazipur, with the prayer to enlarge him on bail.
4. This is the second bail application filed on behalf of the applicant. The first one was rejected by this Court passed in Criminal Misc. Bail Application No. 26127 of 2025 vide order dated 30.7.2025 and the following order was passed:-

"1. List has been revised.

2. Heard Sri Anish Kumar Singh, learned counsel for applicant, Sri Anit Kumar Shukla, learned A.G.A. for the State and perused the material placed on record.

3. The present bail application has been filed by the applicant in Case Crime No.13 of 2024, under Sections 498-A, 304-B, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Jamania District Ghazipur with the prayer to enlarge him on bail.

4. As per prosecution story, the marriage of the applicant was solemnized with the deceased person as per Hindu Rites on 24.06.2021. The applicant and other family members are stated to have subjected the deceased to cruelty for demand of Rs.50,000/- as dowry, thereby leading her to death on 11.01.2024.

5. Learned counsel for the applicant has stated that there is a dispute earlier on between the husband wife duo and it was regarding the habit of applicant of taking liquor and Ganja. The matter was settled between the families as the deceased had given an application at police station on 04.05.2023.

6. Learned counsel for the applicant has further stated that the statement of PW-1 has been recorded and he has given contradictory statement in it. He has also admitted in his cross-examination that the deceased was fed up with the habit of the applicant taking liquor and due to his poor financial condition, as such, the deceased had committed suicide.

7. Learned counsel for the applicant has also stated that there is no criminal history of the applicant. The applicant is in jail since 14.01.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the FIR is prompt and the deceased has expired within the precincts of the house of the applicant, as such, he is not entitled for bail. The trial is going on and the statement of PW-1 was recorded in April, 2025 and at this stage, the minor contradictions, if any, cannot be taken into consideration.

9. After hearing learned counsel for the parties and taking into consideration the promptness of FIR and the deceased having expired within the precincts of the house of the applicant coupled with the fact that the trial is moving on, I do not find it a fit case for grant of bail to the applicant.

10. The bail application is found devoid of merits and is,

accordingly, rejected.

11. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial."

ARGUMENTS ON BEHALF OF APPLICANT:

5. Learned counsel for the applicant has stated that the applicant is languishing in jail since 14.1.2024 as such, period of incarceration is more than two years and three months. His fundamental rights enshrined under Article 21 of the Constitution of India stand violated as there is no likelihood of early conclusion of trial in near future. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

6. This Court had called for the status of trial and the status report dated 18.4.2026 indicates that six witnesses have already been examined. The trial is moving on and at its conclusive end, as such, the applicant is not entitled for bail.

CONCLUSION:

7. After hearing learned counsel for the parties and taking into consideration the fact that already six witnesses have been examined and trial is at its conclusive end and presumption of Section 113(B) of the Indian Evidence Act does not stand rebutted by the applicant, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

May 6, 2026
Shalini